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OFFICE OF PETITIONS

In re

Hasegawa, et al. : DECISION REGARDING
Application No. 10/647,287 : PATENT TERM ADJUSTMENT
Filed: August 26, 2003 :
Patent No. 7,368,866 B2 :
Issued: May 6, 2008 :
Attorney Docket No. 03500.017504 :
:

This decision is in response to the "COMMENTS ON DETERMINATION OF PATENT TERM ADJUSTMENT", filed June 10, 2008, requesting correction of the patent term adjustment (PTA).

The request is **GRANTED**.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **twenty-four (24) days**.

On May 6, 2008, the above-identified application matured into U.S. Patent No. 7,368,866 B2. The patent issued with a Patent Term Adjustment of one hundred forty-four (144) days.

However, as pointed out in the application for patent term adjustment, there was an error in the determination of the PTA. A review of the file reveals that applicants filed a "SECOND REQUEST FOR CONSIDERATION OF REFERENCES CITED IN FORM PTO 1449" on November 16, 2007, after the Office had mailed a Notice of Allowance on September 6, 2007. The Office mailed a response, a signed and dated copy of form PTO 1449, on March 31, 2008.

Accordingly, pursuant to 37 C.F.R. §1.704(c)(10), one hundred twenty (120) days of applicant delay should have been assessed.

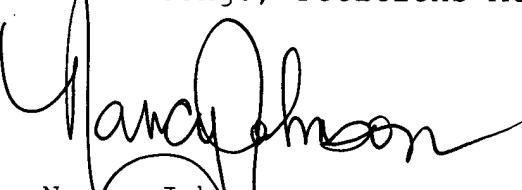
In view thereof, the correct determination of patent term adjustment is **twenty-four (24) days** (158 days of PTO delay, reduced by 134 (14+120) days of applicant delay).

Accordingly, issuance of a certificate of correction pursuant to 35 U.S.C. 254 and 37 C.F.R. §1.322 is appropriate.

Give the basis for granting this decision, no fee is required and none has been charged. The Office thanks Patentees for their good faith and candor in bringing this matter to the attention of the Office.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. 254 and 37 C.F.R. §1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **twenty-four (24) days**, subject to any disclaimers.

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Nancy Johnson
Senior Legal Advisor
Office of Petitions

Enclosure: draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,368,866 B2
DATED : May 6, 2008
INVENTOR(S) : Hasegawa, et. al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (144) days

Delete the phrase "by 144 days" and insert – by 24 days—